

1995.” for “\$5,000,000 for the fiscal year ending September 30, 1986; \$6,000,000 for the fiscal year ending September 30, 1987; and \$8,000,000 for each of the fiscal years ending September 30, 1988, September 30, 1989, and September 30, 1990.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7116(b) of Pub. L. 110-246 effective Oct. 1, 2008, see section 7116(c) of Pub. L. 110-246, set out as a note under section 3175 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective Oct. 1, 1990, see section 1781(b)(1) of Pub. L. 101-624, set out as a note under section 2012 of this title.

§ 3176. Repealed. Pub. L. 97-98, title XIV, § 1424(a), Dec. 22, 1981, 95 Stat. 1308

Section, Pub. L. 95-113, title XIV, §1426, Sept. 29, 1977, 91 Stat. 1000, related to preparation and distribution of a comprehensive set of educational materials on food and nutrition education by Secretary to State departments of education.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

§ 3177. Repealed. Pub. L. 99-198, title XIV, § 1413, Dec. 23, 1985, 99 Stat. 1549

Section, Pub. L. 95-113, title XIV, §1427, Sept. 29, 1977, 91 Stat. 1000; Pub. L. 97-98, title XIV, §1425(a), Dec. 22, 1981, 95 Stat. 1308, required submission to Congress of a plan for a human nutrition research management system.

§ 3178. Nutritional status monitoring

(a) Formulation of system

The Secretary and the Secretary of Health and Human Services shall formulate and submit to Congress, within ninety days after September 29, 1977, a proposal for a comprehensive nutritional status monitoring system, to include:

(1) an assessment system consisting of periodic surveys and continuous monitoring to determine: the extent of risk of nutrition-related health problems in the United States; which population groups or areas of the country face greatest risk; and the likely causes of risk and changes in the above risk factors over time;

(2) a surveillance system to identify remediable nutrition-related health risks to individuals or for local areas, in such a manner as to tie detection to direct intervention and treatment. Such system should draw on screening and other information from other health programs, including those funded under titles V, XVIII, and XIX of the Social Security Act [42 U.S.C. 701 et seq., 1395 et seq., and 1396 et seq.] and section 330 of the Public Health Service Act;¹ and

(3) program evaluations to determine the adequacy, efficiency, effectiveness, and side effects of nutrition-related programs in reducing health risks to individuals and populations.

(b) Coordination of existing activities; recommendation for necessary additional authorities

The proposal shall provide for coordination of activities under existing authorities and contain recommendations for any additional authorities necessary to achieve a comprehensive monitoring system.

(Pub. L. 95-113, title XIV, §1428, Sept. 29, 1977, 91 Stat. 1001; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title V of the Social Security Act is classified principally to subchapter V (§701 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. Titles XVIII and XIX of the Social Security Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.), respectively, of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 330 of the Public Health Service Act, referred to in subsec. (a)(2), is section 330 of act July 1, 1944, which was classified to section 254c of Title 42, The Public Health and Welfare, and was omitted in the general amendment of subpart I (§254b et seq.) of part D of subchapter II of chapter 6A of Title 42 by Pub. L. 104-299, §2, Oct. 11, 1996, 110 Stat. 3626. Sections 2 and 3(a) of Pub. L. 104-299 enacted new sections 330 and 330A of act July 1, 1944, which are classified, respectively, to sections 254b and 254c of Title 42.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (a) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 3178a. Nutrition monitoring

The Secretary of Agriculture shall—

(1) in conducting the Department of Agriculture’s continuing survey of food intakes of individuals and any nationwide food consumption survey, include a sample that is representative of low-income individuals and, to the extent practicable, the collection of information on food purchases and other household expenditures by such individuals;

(2) to the extent practicable, continue to maintain the nutrient data base established by the Department of Agriculture; and

(3) encourage research by public and private entities relating to effective standards, methodologies, and technologies for accurate assessment of the nutritional and dietary status of individuals.

(Pub. L. 99-198, title XV, §1589, Dec. 23, 1985, 99 Stat. 1597.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

SUBCHAPTER V—ANIMAL HEALTH AND DISEASE RESEARCH

§ 3191. Purposes and findings relating to animal health and disease research

(a) Purposes

The purposes of this subchapter are to—

¹ See References in Text note below.

(1) promote the general welfare through the improved health and productivity of domestic livestock, poultry, aquatic animals, and other income-producing animals that are essential to the food supply of the United States and the welfare of producers and consumers of animal products;

(2) improve the health of horses;

(3) facilitate the effective treatment of, and, to the extent possible, prevent animal and poultry diseases in both domesticated and wild animals that, if not controlled, would be disastrous to the United States livestock and poultry industries and endanger the food supply of the United States;

(4) improve methods for the control of organisms and residues in food products of animal origin that could endanger the human food supply;

(5) improve the housing and management of animals to improve the well-being of livestock production species;

(6) minimize livestock and poultry losses due to transportation and handling;

(7) protect human health through control of animal diseases transmissible to humans;

(8) improve methods of controlling the births of predators and other animals; and

(9) otherwise promote the general welfare through expanded programs of research and extension to improve animal health.

(b) Findings

Congress finds that—

(1) the total animal health and disease research and extension efforts of State colleges and universities and of the Federal Government would be more effective if there were close coordination between the efforts; and

(2) colleges and universities having accredited schools or colleges of veterinary medicine and State agricultural experiment stations that conduct animal health and disease research are especially vital in training research workers in animal health and related disciplines.

(Pub. L. 95–113, title XIV, § 1429, Sept. 29, 1977, 91 Stat. 1001; Pub. L. 97–98, title XIV, § 1426, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 104–127, title VIII, § 810, Apr. 4, 1996, 110 Stat. 1164.)

AMENDMENTS

1996—Pub. L. 104–127 amended section generally, substituting present provisions for provisions which outlined congressional findings and declaration of purpose of subchapter.

1981—Pub. L. 97–98 substituted “schools or colleges of veterinary medicine and State agricultural experiment stations that conduct animal health and disease research” for “colleges of veterinary medicine or departments of veterinary sciences or animal pathology, and similar units conducting animal health and disease research in the State agricultural experiment stations.”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

STUDIES ON AGRICULTURAL RESEARCH AND TECHNOLOGY

Pub. L. 107–171, title X, § 10907, May 13, 2002, 116 Stat. 538, provided that:

“(a) SCIENTIFIC STUDIES.—

“(1) IN GENERAL.—The Secretary of Agriculture may conduct scientific studies on—

“(A) the transmission of spongiform encephalopathy in deer, elk, and moose; and

“(B) chronic wasting disease (including the risks that chronic wasting disease poses to livestock).

“(2) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of any scientific studies conducted under paragraph (1).

“(b) VACCINES.—

“(1) VACCINE STORAGE STUDY.—The Secretary may—

“(A) conduct a study to determine the number of doses of livestock disease vaccines that should be available to protect against livestock diseases that could be introduced into the United States; and

“(B) compare that number with the number of doses of the livestock disease vaccines that are available as of that date.

“(2) STOCKPILING OF VACCINES.—If, after conducting the study and comparison described in paragraph (1), the Secretary determines that there is an insufficient number of doses of a particular vaccine referred to in that paragraph, the Secretary may take such actions as are necessary to obtain the required additional doses of the vaccine.”

§ 3192. Definitions

When used in this subchapter—

(1) the term “eligible institution” means an accredited school or college of veterinary medicine or a State agricultural experiment station that conducts animal health and disease research;

(2) the term “dean” means the dean of an accredited school or college of veterinary medicine;

(3) the term “director” means the director of a State agricultural experiment station which qualifies as an eligible institution; and

(4) the term “animal health research capacity” means the capacity of an eligible institution to conduct animal health and disease research, as determined by the Secretary.

(Pub. L. 95–113, title XIV, § 1430, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 97–98, title XIV, § 1427, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 105–185, title VI, § 606(d)(1), June 23, 1998, 112 Stat. 604.)

AMENDMENTS

1998—Pars. (3) to (5). Pub. L. 105–185 inserted “and” at end of par. (3), redesignated par. (5) as (4), and struck out former par. (4) which read as follows: “the term ‘Board’ means the Animal Health Science Research Advisory Board; and”.

1981—Par. (1). Pub. L. 97–98 substituted “an accredited school or college of veterinary medicine or a State agricultural research experiment station that conducts animal health and disease research” for “any college or university having an accredited college of veterinary medicine or a department of veterinary science or animal pathology, or a similar unit conducting animal health and disease research in a State agricultural experiment station”.

Par. (2). Pub. L. 97–98 substituted “an accredited school or college of veterinary medicine” for “a college or university which qualifies as an eligible institution”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

§ 3193. Authorization to Secretary of Agriculture**(a) Authority to cooperate with, encourage, and assist States**

In order to carry out the purpose of this subchapter, the Secretary is authorized to cooperate with, encourage, and assist the States in carrying out programs of animal health and disease research at eligible institutions in the manner hereinafter described in this subchapter.

(b) Study of animal care delivery system

(1) The Secretary shall commission the National Academy of Sciences, working through the Board on Agriculture of the National Research Council, to conduct a study of the delivery system utilized to provide farmers, including small and limited resource farmers, and ranchers with animal care and veterinary medical services, including animal drugs.

(2) The study required by this subsection shall assess opportunities to—

(A) improve the flow of information to producers regarding animal husbandry practices, and diagnostic and treatment methods, including the costs and conditions necessary for the effective use of such practices and methods;

(B) foster achievement of food safety goals; and

(C) advance the well-being and treatment of farm animals, with particular emphasis on disease prevention strategies.

(3) The study required by this subsection shall include recommendations for changes in research and extension policies or priorities, food safety programs and policies, and policies and procedures governing the approval, use, and monitoring of animal drugs.

(Pub. L. 95-113, title XIV, § 1431, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 101-624, title XVI, § 1611(a), Nov. 28, 1990, 104 Stat. 3720.)

AMENDMENTS

1990—Pub. L. 101-624 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 3194. Repealed. Pub. L. 104-127, title VIII, § 854, Apr. 4, 1996, 110 Stat. 1172

Section, Pub. L. 95-113, title XIV, § 1432, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 97-98, title XIV, § 1428, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, § 1414(a), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, § 1611(b), Nov. 28, 1990, 104 Stat. 3721; Pub. L. 102-237, title IV, § 402(8), Dec. 13, 1991, 105 Stat. 1863, related to establishment of Animal Health Science Research Advisory Board.

§ 3195. Continuing animal health and disease research programs**(a) Authorization of appropriations**

There are authorized to be appropriated such funds as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed \$25,000,000 for each of the fiscal years 1991 through 2012, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year. Funds appropriated under this section shall be

used: (1) to meet expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the provisions of section 331 of this title; (2) for administrative planning and direction; and (3) to purchase equipment and supplies necessary for conducting such research.

(b) Apportionment of appropriated funds

Funds appropriated under subsection (a) of this section for any fiscal year shall be apportioned as follows:

(1) Four per centum shall be retained by the Department of Agriculture for administration, program assistance to the eligible institutions, and program coordination.

(2) Forty-eight per centum shall be distributed among the several States in the proportion that the value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in each State bears to the total value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in all the States. The Secretary shall determine the total value of and income from domestic livestock, poultry, and commercial aquaculture species in all the States and the proportionate value of and income from domestic livestock, poultry, and commercial aquaculture species for each State, based on the most current inventory of all cattle, sheep, swine, horses, poultry, and commercial aquaculture species published by the Department of Agriculture.

(3) Forty-eight per centum shall be distributed among the several States in the proportion that the animal health research capacity of the eligible institutions in each State bears to the total animal health research capacity in all the States. The Secretary shall determine the animal health research capacity of the eligible institutions.

(c) Development of program for each State

In each State with one or more accredited colleges of veterinary medicine, the deans of the accredited college or colleges and the director of the State agricultural experiment station shall develop a comprehensive animal health and disease research program for the State based on the animal health research capacity of each eligible institution in the State, which shall be submitted to the Secretary for approval and shall be used for the allocation of funds available to the State under this section.

(d) Use of excess funds

When the amount available under this section for allotment to any State on the basis of domestic livestock, poultry, and commercial aquaculture species values and income exceeds the amount for which the eligible institution or institutions in the State are eligible on the basis of animal health research capacity, the excess may be used, at the discretion of the Secretary, for remodeling of facilities, construction of new facilities, or increase in staffing, proportionate to the need for added research capacity.

(e) Reallocation of funds to new colleges of veterinary medicine

Whenever a new college of veterinary medicine is established in a State and is accredited,

the Secretary, after consultation with the dean of such college and the director of the State agricultural experiment station and, where applicable, deans of other accredited colleges in the State, shall provide for the reallocation of funds available to the State pursuant to subsection (b) of this section between the new college and other eligible institutions in the State, based on the animal health research capacity of each eligible institution.

(f) Joint establishment or support of accredited regional college of veterinary medicine

Whenever two or more States jointly establish an accredited regional college of veterinary medicine or jointly support an accredited college of veterinary medicine serving the States involved, the Secretary is authorized to make funds which are available to such States pursuant to subsection (b)(2) of this section available for such college in such amount that reflects the combined relative value of and income from domestic livestock, poultry, and commercial aquaculture species in the cooperating States, such amount to be adjusted, as necessary, pursuant to the provisions of subsections (c) and (e) of this section.

(g) Cooperation among eligible institutions

The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.

(Pub. L. 95–113, title XIV, § 1433, Sept. 29, 1977, 91 Stat. 1003; Pub. L. 97–98, title XIV, § 1429, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99–198, title XIV, § 1414(b), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101–624, title XVI, § 1601(b)(1), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104–127, title VIII, § 811, Apr. 4, 1996, 110 Stat. 1165; Pub. L. 105–185, title III, § 301(a)(7), title VI, § 606(d)(2), June 23, 1998, 112 Stat. 562, 604; Pub. L. 107–171, title VII, § 7107, May 13, 2002, 116 Stat. 432; Pub. L. 110–234, title VII, §§ 7117, 7118, May 22, 2008, 122 Stat. 1221, 1222; Pub. L. 110–246, § 4(a), title VII, §§ 7117, 7118, June 18, 2008, 122 Stat. 1664, 1983.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–246, § 7117, substituted “2012” for “2007”.

Subsec. (g). Pub. L. 110–246, § 7118, added subsec. (g).

2002—Subsec. (a). Pub. L. 107–171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105–185, § 301(a)(7), substituted “2002” for “1997” in first sentence.

Subsec. (b)(3). Pub. L. 105–185, § 606(d)(2), struck out “with the advice, when available, of the Board” before period at end of second sentence.

1996—Subsec. (a). Pub. L. 104–127, § 811(1), substituted “1997” for “1995” in first sentence.

Subsec. (b)(2). Pub. L. 104–127, § 811(2), substituted “domestic livestock, poultry, and commercial aquaculture species” for “domestic livestock and poultry” wherever appearing, and “horses, poultry, and commercial aquaculture species” for “horses, and poultry” in second sentence.

Subsecs. (d), (f). Pub. L. 104–127, § 811(3), (4), substituted “domestic livestock, poultry, and commercial

aquaculture species” for “domestic livestock and poultry”.

1990—Subsec. (a). Pub. L. 101–624 substituted “for each of the fiscal years 1991 through 1995,” for “annually for the period beginning October 1, 1981, and ending September 30, 1990.”

1985—Subsec. (a). Pub. L. 99–198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97–98 substituted “as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed \$25,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year” for “, not to exceed \$25,000,000 annually, as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

§ 3196. Research on national and regional animal health or disease problems

(a) Authorization of appropriations

There are authorized to be appropriated such funds as Congress may determine necessary to support research on specific national or regional animal health or disease problems, or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being, but not to exceed \$35,000,000 for each of the fiscal years 1991 through 2012, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year.

(b) Duration of grants

Notwithstanding the provisions of section 3197 of this title, funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to State agricultural experiment stations, colleges and universities (including 1890 Institutions (as defined in section 7601 of this title)), other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

(c) Establishment of annual priority lists for allocation of funds

In order to establish a rational allocation of funds appropriated under this section, the Secretary shall establish annually priority lists of animal health and disease, food safety, and animal well-being problems of national or regional significance. Such lists shall be prepared after consultation with the Advisory Board. Any recommendations made in connection with such consultation shall not be controlling on the Secretary's determination of priorities. In establishing such priorities, the Secretary and the Advisory Board shall consider the following factors:

- (1) any health or disease problem which causes or may cause significant economic

losses to any part of the livestock production industry;

(2) any food safety problem that has a significant pre-harvest (on-farm) component and is recognized as posing a significant health hazard to the consuming public;

(3) issues of animal well-being related to production methods that will improve the housing and management of animals to improve the well-being of livestock production species;

(4) whether current scientific knowledge necessary to prevent, cure, or abate such a health or disease problem is adequate; and

(5) whether the status of scientific research is such that accomplishments may be anticipated through the application of scientific effort to such health or disease problem.

(d) Assignment of priorities for grants

Without regard to any consultation under subsection (c) of this section, the Secretary shall, to the extent feasible, award grants on the basis of the priorities assigned through a peer review system. Grantees shall be selected on a competitive basis in accordance with such procedures as the Secretary may establish.

(e) Distribution of multiyear grants

In the case of multiyear grants, the Secretary shall distribute funds to grant recipients on a schedule which is reasonably related to the timetable required for the orderly conduct of the research project involved.

(f) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act [7 U.S.C. 2281 et seq.] shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this subchapter.

(Pub. L. 95-113, title XIV, §1434, Sept. 29, 1977, 91 Stat. 1004; Pub. L. 97-98, title XIV, §1430, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, §1414(c), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1601(b)(2), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §§812, 852(b)(5), Apr. 4, 1996, 110 Stat. 1165, 1171; Pub. L. 105-185, title III, §301(a)(8), title VI, §606(d)(3), June 23, 1998, 112 Stat. 562, 604; Pub. L. 107-171, title VII, §7108, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §§7119, 7120, May 22, 2008, 122 Stat. 1222; Pub. L. 110-246, §4(a), title VII, §§7119, 7120, June 18, 2008, 122 Stat. 1664, 1983.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Title XVIII of this Act, referred to in subsec. (f), is title XVIII of the Food and Agriculture Act of 1977, Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 1041, as amended, which is classified generally to chapter 55A (§2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7119, substituted “2012” for “2007”.

Subsec. (b). Pub. L. 110-246, §7120, inserted “(including 1890 Institutions (as defined in section 7601 of this title))” after “universities”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, §301(a)(8), substituted “2002” for “1997”.

Subsec. (c). Pub. L. 105-185, §606(d)(3), struck out “and the Board” after “Advisory Board” in second sentence and substituted “and the Advisory Board” for “, the Advisory Board, and the Board” in fourth sentence.

1996—Subsec. (a). Pub. L. 104-127, §812(1), inserted “or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being,” after “problems,” and substituted “1997” for “1995”.

Subsec. (b). Pub. L. 104-127, §812(2), substituted “State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals” for “eligible institutions”.

Subsec. (c). Pub. L. 104-127, §852(b)(5), in introductory provisions, substituted “after consultation with the Advisory Board” for “after consultation with the Joint Council, the Advisory Board,” and “the Secretary, the Advisory Board,” for “the Secretary, the Joint Council, the Advisory Board,”.

Pub. L. 104-127, §812(3)(A), in introductory provisions, inserted “, food safety, and animal well-being” after “animal health and disease”.

Subsec. (c)(2) to (5). Pub. L. 104-127, §812(3)(B), added pars. (2) and (3) and redesignated former pars. (2) and (3) as (4) and (5), respectively.

Subsec. (d). Pub. L. 104-127, §812(4), struck out “to eligible institutions” after “award grants”.

Subsec. (f). Pub. L. 104-127, §812(5), added subsec. (f). 1990—Subsec. (a). Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995,” for “annually for the period beginning October 1, 1981, and ending September 30, 1990,”.

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97-98, §1430(a), substituted “as Congress may determine necessary to support research on specific national or regional animal health or disease problems, but not to exceed \$35,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year” for “, not to exceed \$15,000,000 annually, as Congress may determine necessary to support research on specific national or regional animal health or disease problems”.

Subsec. (b). Pub. L. 97-98, §1430(b), substituted provisions that funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to eligible institutions for provisions that such funds shall be allocated by the Secretary to eligible institutions for work to be done, as mutually agreed upon between the Secretary and the eligible institution or institutions and that the Secretary shall consult the Board in developing plans for the use of these funds whenever possible.

Subsecs. (c) to (e). Pub. L. 97-98, §1430(c), added subsecs. (c) to (e).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

§ 3197. Availability of appropriated funds

Funds available for allocation under the terms of this subchapter shall be paid to each State or eligible institution at such times and in such amounts as shall be determined by the Secretary. Funds shall remain available for payment of unliquidated obligations for one additional fiscal year following the year of appropriation.

(Pub. L. 95–113, title XIV, § 1435, Sept. 29, 1977, 91 Stat. 1004.)

§ 3198. Withholding of appropriated funds

If the Secretary determines that a State is not entitled to receive its allocation of the annual appropriation under section 3195 of this title because of its failure to satisfy requirements of this subchapter or regulations issued under it, the Secretary shall withhold such amount. The facts and reasons concerning the determination and withholding shall be reported to the President; and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus.

(Pub. L. 95–113, title XIV, § 1436, Sept. 29, 1977, 91 Stat. 1004.)

§ 3199. Requirements for use of funds

With respect to research projects on problems of animal health and disease to be performed at eligible institutions and supported with funds allocated to the States under section 3195 of this title, the dean or director of each eligible institution shall cause to be prepared and shall review proposals for such research projects, which contain data showing compliance with the purpose in section 3191 of this title and the provisions for use of funds specified in section 3195(a) of this title, and with general guidelines for project eligibility to be provided by the Secretary. Such research proposals that are approved by the dean or director shall be submitted to the Secretary prior to assignment of funds thereto with a brief summary showing compliance with the provisions of this subtitle and the Secretary's general guidelines.

(Pub. L. 95–113, title XIV, § 1437, Sept. 29, 1977, 91 Stat. 1004; Pub. L. 105–185, § 606(d)(4), June 23, 1998, 112 Stat. 604.)

AMENDMENTS

1998—Pub. L. 105–185 struck out “with the advice, when available, of the Board” after “by the Secretary” in first sentence.

§ 3200. Matching funds

No funds in excess of \$100,000, exclusive of the funds provided for research on specific national or regional animal health and disease problems under the provisions of section 3196 of this title, shall be paid by the Federal Government to any State under this subchapter during any fiscal year in excess of the amount from non-Federal sources made available to and budgeted for expenditure by eligible institutions in the State during the same fiscal year for animal health

and disease research. The Secretary is authorized to make such payments in excess of \$100,000 on the certificate of the appropriate official of the eligible institution having charge of the animal health and disease research for which such payments are to be made. If any eligible institution certified for receipt of matching funds fails to make available and budget for expenditure for animal health and disease research in any fiscal year sums at least equal to the amount for which it is certified, the difference between the Federal matching funds available and the funds made available to and budgeted for expenditure by the eligible institution shall be reapportioned by the Secretary among other eligible institutions of the same State, if there are any which qualify therefor, and, if there are none, the Secretary shall reapportion such difference among the other States.

(Pub. L. 95–113, title XIV, § 1438, Sept. 29, 1977, 91 Stat. 1005.)

§ 3201. Funds appropriated or otherwise made available pursuant to other provisions of law

The sums appropriated and allocated to States and eligible institutions under this subchapter shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to such States and institutions pursuant to other provisions of law.

(Pub. L. 95–113, title XIV, § 1439, Sept. 29, 1977, 91 Stat. 1005.)

§ 3202. Research and education grants for the study of antibiotic-resistant bacteria**(a) In general**

The Secretary shall provide research and education grants, on a competitive basis—

(1) to study the development of antibiotic-resistant bacteria, including—

(A) movement of antibiotic-resistant bacteria into groundwater and surface water; and

(B) the effect on antibiotic resistance from various drug use regimens; and

(2) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

(A) methods and practices of animal husbandry;

(B) safe and effective alternatives to antibiotics;

(C) the development of better veterinary diagnostics to improve decisionmaking; and

(D) the identification of conditions or factors that affect antibiotic use on farms.

(b) Administration

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(Pub. L. 110–234, title VII, § 7521, May 22, 2008, 122 Stat. 1271; Pub. L. 110–246, § 4(a), title VII, § 7521, June 18, 2008, 122 Stat. 1664, 2033.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

SUBCHAPTER VI—1890 LAND-GRANT
COLLEGE FUNDING**§ 3221. Extension at 1890 land-grant colleges, including Tuskegee University****(a) Authorization of appropriations****(1) In general**

There are authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural and forestry extension at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee University (hereinafter in this section referred to as “eligible institutions”).

(2) Minimum amount

Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 20 percent of the total appropriations for such year under the Act of May 8, 1914 (7 U.S.C. 341 et seq.), and related acts pertaining to cooperative extension work at the land-grant institutions identified in the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.), except that for the purpose of this calculation, the total appropriations shall not include amounts made available under section 3(d) of that Act (7 U.S.C. 343(d)).

(3) Uses

Funds appropriated under this section shall be used for expenses of conducting extension programs and activities, and for contributing to the retirement of employees subject to the provisions of section 331 of this title.

(4) Carryover

No more than 20 per centum of the funds received by an institution in any fiscal year may be carried forward to the succeeding fiscal year.

(b) Allocation and distribution of appropriated funds

Beginning with the fiscal year ending September 30, 1979—

(1) any funds annually appropriated under this section up to the amount appropriated for the fiscal year ending September 30, 1978, pursuant to section 343(d) of this title, for eligible

institutions, shall be allocated among the eligible institutions in the same proportion as funds appropriated under section 343(d) of this title for the fiscal year ending September 30, 1978, are allocated among the eligible institutions; and

(2) any funds appropriated annually under this section in excess of an amount equal to the amount appropriated under section 343(d) of this title, for the fiscal year ending September 30, 1978, for eligible institutions, shall be distributed as follows:

(A) A sum equal to 4 per centum of the total amount appropriated each fiscal year under this section shall be allotted to the Extension Service of the Department of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the Department of Agriculture and the several States.

(B) Of the remainder, 20 per centum shall be allotted among the eligible institutions in equal proportions; 40 per centum shall be allotted among the eligible institutions in the proportion that the rural population of the State in which each eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and the balance shall be allotted among the eligible institutions in the proportion that the farm population of the State in which each eligible institution is located bears to the total farm population of all the States in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated.

In computing the distribution of funds allocated under paragraph (2) of this subsection, the allotments to Tuskegee University and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

(c) Comprehensive program of extension for each State

The State director of the cooperative extension service and the extension administrator at the eligible institution in each State where an eligible institution is located shall jointly develop, by mutual agreement, a comprehensive program of extension for such State to be submitted for approval by the Secretary within one year after September 29, 1977 and each five years thereafter.

(d) Ascertainment of entitlement to funds; time and manner of payment; State reporting requirements; plans of work**(1) Ascertainment of entitlement**

On or about the first day of October in each year after September 29, 1977, the Secretary shall ascertain whether each eligible institution is entitled to receive its share of the annual appropriation for extension work under this section and the amount which it is entitled to receive. Before the funds herein pro-